

DECISION RECORD
Environmental Assessment
DOI-BLM-CO-N010-2012-0049-EA
Lease Parcel Review February 2013

INTRODUCTION: It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.

The BLM's Colorado State Office conducts quarterly competitive lease sales to sell available oil and gas lease parcels. This EA, *DOI-BLM-CO-N010-2012-0049-EA*, was prepared to analyze the impacts of leasing parcels nominated with the Little Snake Field Office in the February 2013 lease sale.

The EA considered a range of alternatives from leasing all nominated parcels to leasing no parcels. Some of the nominated parcels will be deferred from the February 2013 lease sale due to resource concerns and, therefore, were not analyzed in detail. The proposed action was to lease 20 of the 49 parcels in the Little Snake Field Office area. The BLM would defer leasing 29 parcels that contain priority greater sage-grouse habitat until the NW CO Greater Sage-Grouse Amendment/EIS is completed. After the protest period, the BLM decided to drop 1 parcel due to administrative correction, and defer leasing an additional 3 parcels until an inventory for Lands with Wilderness Characteristics could be completed and 3 parcels pending further analysis. The final proposed action would be to lease **13 parcels**.

PROPOSED DECISION:

It is my decision to implement **Alternative 2 (the Proposed Action)** as identified in the Little Snake Field Office Environmental Assessment (EA), DOI-BLMCO-N010-2012-0049-EA. Originally, 20 parcels were to be offered, but after the protest period, the BLM decided to defer leasing an additional 6 parcels pending further analysis. One parcel was dropped due to an administrative correction.

RATIONALE FOR DECISION:

The decision to approve the proposed action is based upon the following: 1) consistency with the approved resource management plan; 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts. Alternative 2 was chosen as being the most environmentally sound alternative.

1. This decision is in conformance with the LSFO RMP (October 2011).
2. It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*] and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.
3. The decision is consistent with all federal, state, and county authorizing actions required for implementation of the Proposed Action.

4. Economic benefits derived from implementation of the proposed action considered important and have been analyzed in the EA.
5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by Title 43 Code of Federal Registration 3131.3) were added to each parcel as identified by the LSFO to address site specific concerns or new information not identified in the land use planning process.

AUTHORITIES:

The authority for this decision is contained in 43 CFR 3100.

PLAN CONFORMANCE:

The proposed action and alternatives have been reviewed and found to be in conformance with the approved Little Snake Record of Decision and Resource Management Plan (RMP) (October 2011). The oil and gas leasing decisions and associated lease stipulations can be found in Section 2.13 Energy and Minerals/ page RMP-36.

CONSULTATION AND COORDINATION: No special status species were present. Colorado Parks and Wildlife, Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Dinosaur National Park, USFS Routt National Forest.

Terms / Conditions / Stipulations:

For all parcels, standard terms and conditions, as well as the lease notices and stipulations identified by parcel in Appendix C of the EA, would apply to the lease parcels.

COMPLIANCE WITH MAJOR LAWS:

The proposed decision and proposed oil and gas leases with stipulations are in compliance with all applicable law, regulations, and policies, including the following:

- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act
- National Historic Preservation Act
- Clean Air Act
- Etc.

MONITORING:

No monitoring would be required in the sale and issuance of the lease parcels. Should the parcels be developed, monitoring may be required and would be analyzed under future NEPA documentation.

ALTERNATIVES CONSIDERED, BUT NOT SELECTED:

Alternative 1: Full lease sale with standard stipulations -- Under Alternative 1, all nominated parcels would be offered for sale and subsequent oil and gas leasing with the stipulations recommended at the time of nomination, approximately **63,137.27 acres**.

Alternative 2: Proposed Action – The Proposed Action Alternative analyzes the sale and issuance of 20 nominated parcels, with stipulations recommended at the time of nomination as well as additional stipulations identified through analysis. Lease stipulations (as required by Title 43 Code of Federal

Registration 3131.3) were added to each parcel as identified by the LSFO to address site specific concerns. This alternative also analyzes the deferral of **51,099.32 acres** due to resource conflicts or protection measure not addressed in the land use plans. Of the **59 parcels** nominated, a total of **39 parcels** were recommended to be entirely deferred based on their potential effects on Greater Sage Grouse and **6 parcels** would be deferred pending further analysis.

Alternative 3: No Action -- Under the No Action alternative, the BLM would not sell nor issue any of the leases that have been nominated. Surface management would remain the same and ongoing oil and gas development would continue on surrounding federal, private, and state leases.

PUBLIC COMMENTS:

On August 17, 2012, this EA was made available for a 30-day public comment period. The BLM received 11 letters as a result of this comment period; 4 letters from environmental organizations, 1 letter from a home owners association, and 6 letters from private individuals. These letters provided the BLM information on the concerns of the public.

On November 16, 2012, the Bureau of Land Management provided notice parcels of land would be offered in a competitive oil and gas lease sale on February 14, 2013; this lease sale notice initiated a 30-day protest period for the lease sale. The BLM received 9 letters as a result of this comment period; 4 letters from environmental organizations, 1 letter from a home owners association, and 4 letters from private individuals.

The review of these comments is included as Attachment F.

APPEALS:

The decision of the State Director may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (copy attached). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error. If you wish to file a petition (pursuant to regulation 43 CFR 316s.4(c)) for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals (IBLA) and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for obtaining a stay

Standards for Obtaining a Stay except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted, and;
4. Whether the public interest favors granting the stay.

Approved by:

Lonny Bagley

Deputy State Director

Division of Energy, Lands, and Minerals

Date:

February 13, 2013